



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

MEH:ddj
Docket No: 7606-98
15 February 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your deceased spouse's naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your spouse's naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CMC memorandum 1760 MMSR-6J of 6 January 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure

1760

MMSR-6J

6 Jan 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF THE LATE SERGEANT MAJOR
[REDACTED]

Ref: (a) MMR Route Sheet of 3Dec95, Docket No. 7606-98

1. The reference requests an advisory opinion on [REDACTED] petition to correct [REDACTED] records to show he elected spouse coverage in the Survivor Benefit Plan (RCSBP) prior to his death on 4 September 1998.

2. Prior to [REDACTED] transfer to the Fleet Marine Corps Reserve on 31 October 1993, he elected no coverage under the Survivor Benefit Plan (SBP). His election form was signed in concurrence by [REDACTED] as required by law.

3. Unfortunately, because [REDACTED] was not enrolled in the SBP when he died, [REDACTED] is not entitled to a monthly annuity from the Marine Corps.

4. We, regretfully, must therefore recommend that [REDACTED] petition not be granted favorable consideration.

J. P. RATHBUN, JR.
By direction